

REMARKS

I. Status of the Application

Claims 1-4, 6-13, 15-21, 23, 24 and 26-29 are pending in this application. In the December 24, 2008 Office action, the examiner rejected claims 1-4, 6-13 and 15-17 under U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,371,958 to Overaker (hereinafter “Overaker”). In addition, the examiner rejected claims 18-21, 23, 24, 27 and 29 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Overaker in view of U.S. Patent No. 5,769,899 to Schwartz et al. (hereinafter, “Schwartz”).

In this response, applicants have amended claims 1 and 18. Applicants have also added new claim 30. Support for the amendments to claims 1 and 18 and new claim 30 may be found in the specification as originally filed. Applicants respectfully request reconsideration of pending claims 1-4, 6-13, 15-21, 23, 24 and 26-29, and consideration of new claim 30, in view of the foregoing amendments and the following remarks.

II. The Rejection of Independent Claims 1 and 8 Under 35 U.S.C. § 102(b)

In the December 24, 2008 office action, the examiner rejected claims 1 and 8 under 35 U.S.C. § 102(b) as being anticipated by Overaker. As provided in MPEP § 2131, “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). In addition, the elements must be arranged as

required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). In the present application, applicant respectfully traverses the rejection of claims 1, 8 and 18 under 35 U.S.C. § 102(b), as Overaker does not disclose all the limitations of claims 1, 8 and 18, as set forth in further detail below.

A. Claim 1

Overaker does not include all of the limitations of amended claim 1. For example, Overaker does not include the limitation of a second plate including “a plurality of radially extending elongated bores formed in the second plate, each of the radially extending bores including a ledge positioned therein between the substantially flat plate surface and the opposite substantially flat plate surface” (emphasis added). As also set forth in amended claim 1, the two substantially flat plate surfaces each extend “substantially across [a] side of the second plate”.

In the December 24, 2008 Office action, the examiner cites attachment structures 90 that are press fit into post guides 96 (103) in the lower plate of Overaker as disclosing the foregoing limitation of claim 1. The post guides 96 include latches 102 (see FIG. 12 of Overaker). However, the post guides 96 and associated latches 102 in Overaker are not positioned between opposing substantially flat plate surfaces as set forth in claim 1. Instead, the post guides 96 and latches 102 in Overaker are positioned well above the lower plate 84.

At page 4 of the December 24, 2008 Office action, the examiner stated the following with respect to Overaker “the catch portion is a ledge and the mating catch portion can be considered hook shaped prongs ... [and] the plates comprise at least a flat ... surface portion and also a flat overall configuration.” However, there is simply no

disclosure of a catch portion in Overaker that is positioned "between the substantially flat plate surface and the opposite substantially flat plate surface" of the second plate, as required by claim 1.

For at least the reasons discussed above, Overaker does not disclose all limitations of claim 1 of the present application. Accordingly, it is respectfully submitted that claim 1 is allowable and the examiner's rejection of claim 1 as anticipated by Overaker under 35 U.S.C. § 102(b) should be withdrawn.

B. Claim 8

Overaker does not disclose all the limitations of claim 8. For example, Overaker does not disclose a first plate that "includes a dome portion extending substantially across an upper surface of the upper plate, the dome portion defining a convex articulating surface", as set forth in amended claim 8. In the December 24, 2008 Office action, the examiner argued that the edge portion of load support 12 in FIG. 1 of Overaker shows a "*dome portion* extending substantially across an upper surface of the upper plate" (emphasis added). Applicant respectfully submits that the curved edge of load support 12 shown in Overaker is simply not a "dome portion". The common and ordinary meaning of "dome" would not include a simple curved edge extending around a wheel shaped member such as that shown in Overaker. Should the examiner maintain that the curved edge of Overaker qualifies as a "dome portion" further explanation of how this curved edge could be considered a dome is respectfully requested.

For at least the reasons discussed above, Overaker does not disclose all limitations of claim 8 of the present application. Accordingly, it is respectfully submitted that claim

8 is allowable and the examiner's rejection of claim 8 as anticipated by Overaker under 35 U.S.C. § 102(b) should be withdrawn.

III. The Rejection of Independent Claims 18 Under 35 U.S.C. § 103(a)

In the December 24, 2008 office action, the examiner rejected claim 18 under 35 U.S.C. § 103(a) as being unpatentable by Overaker in view of Schwartz.

The Examiner's rationale for a finding of obviousness in the December 24, 2008 Office action is not specifically stated in the context of the examples of MPEP § 2143. However, Applicant notes that pursuant to MPEP 2143, "the key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious." Furthermore, in order to establish a *prima facie* case of obviousness, three basic criteria should be met as set forth in MPEP § 2143.01-2143.03. First, all claim limitations must be considered. MPEP § 2143.03. Second, there must be some suggestion or motivation to modify the references or combine reference teachings. MPEP § 2143.01. Third, there must be a reasonable expectation of success. MPEP § 2143.02.

In the present case, it is respectfully submitted that neither Overaker nor Schwartz teach or suggest all the limitations of amended claim 18. One example of a limitation of claim 18 that is not taught or suggested by the cited references is that of "a plurality of load transfer supports ... said load transfer supports including a plurality of substantially rectangular walls *oriented such that longer sides of the rectangular walls extend radially outward* from said upper and lower center bores".

In the December 24, 2008 Office action, the examiner argued that FIG. 2 of Schwartz discloses rectangular walls extending radially outwardly. Applicant fails to see how the walls 24 in FIG. 2 of Schwartz extend radially outwardly. Instead, the walls 24 extend in a circumferential direction in Schwartz. Nevertheless, applicant has amended claim 18 to specify that the substantially rectangular walls are "*oriented such that longer sides of the rectangular walls extend radially outward from said upper and lower center bores*". There is simply no disclosure in Schwartz of walls of load transfer supports configured in this manner.

At page 4 of the December 24, 2008 Office action, the examiner argues that the arrangement of claim 18 would have been obvious to a person having ordinary skill in the art because the claimed arrangement calls for nothing more than a simple substitution of a known configuration to obtain predictable results. However, as set forth in the foregoing paragraph, the examiner has failed to show that the limitations in the claimed arrangement would have been a "known configuration" at the time of the invention. Therefore, it is respectfully submitted that the examiner has failed to show some suggestion or motivation to modify the references or combine reference teachings, and likewise has not shown a reasonable expectation of success. Accordingly, the examiner has not made a prima facie case of obviousness under MPEP § 2143.01.

For at least the reasons discussed above, neither Overaker nor Schwartz disclose all limitations of amended claim 18 of the present application, there is no suggestion or motivation to modify the references or combine reference teachings, and there is no showing of a reasonable expectation of success. Accordingly, it is respectfully submitted

that claim 18 is allowable and the examiner's rejection of claim 18 as anticipated by Overaker under 35 U.S.C. § 102(b) should be withdrawn.

IV. Dependent Claims 2-4, 6-7, 9-13, 15-17, 19-21, 23, 24, 27 and 29

Dependent claims 2-4, 6-7, 9-13, 15-17, 19-21, 23, 24, 27 and 29 depend from and incorporate all the limitations of one of allowable independent claims 1, 8, or 18. Accordingly, it is respectfully submitted that dependent claims 2-4, 6-7, 9-13, 15-17, 19-21, 23, 24, 27 and 29 are also allowable for at least the same reasons the independent claims 1, 8 and 18 are allowable.

V. New Claim 30

Applicant has added new claim 30. New claim 30 depends from independent claim 8 and should be allowable for at least this reason. Furthermore, new claim 30 includes the limitation that "the upper plate is surrounded by a rim such that the dome portion extending substantially across the upper surface of the upper plate is also surrounded by the rim". This limitation is not shown in Overaker. Accordingly, it is respectfully submitted that new claim 30 is also allowable for this reason.

VI. Conclusion

For all of the foregoing reasons, it is respectfully submitted the applicant has made a patentable contribution to the art. Favorable reconsideration and allowance of this application is, therefore, respectfully requested.

In the event applicant has inadvertently overlooked the need for an extension of time or payment of an additional fee, the applicant conditionally petitions therefore, and authorizes any fee deficiency to be charged to deposit account 13-0014.

Respectfully submitted,

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